

Message Text

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ACTION MCT-02

INFO OCT-01 EUR-12 EA-10 ISO-00 CIAE-00 DODE-00 PM-05
H-01 INR-10 L-03 NSAE-00 PA-01 SP-02 SS-15
CAB-02 COME-00 DOTE-00 EB-08 FAA-00 IO-13 NSCE-00
SSO-00 ICAE-00 INRE-00 SY-05 ACDA-12 /102 W
-----091870 271318Z /45

O 271228Z JUL 78
FM AMEMBASSY LONDON
TO SECSTATE WASHDC IMMEDIATE 8567
INFO AMEMBASSY BONN IMMEDIATE
AMCONSUL MONTREAL IMMEDIATE
AMEMBASSY OTTAWA IMMEDIATE
AMEMBASSY PARIS IMMEDIATE
AMEMBASSY ROME IMMEDIATE
AMEMBASSY TAIPEI IMMEDIATE
AMEMBASSY TOKYO IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 LONDON 11917

E. O. 11652: GDS
TAGS: EAIR, PINS, CA, FR, IT, JA, UK, GW
SUBJECT: IMPLEMENTATION OF BONN SUMMIT DECLARATION
ON AIR HIJACKING

REF: A) STATE 186923; B) STATE 185585; C) BONN 13407;
D) STATE 189142

1. CIVAIR ATTACHE CALLED JULY 25 ON J.R.D. GILDEA, ASSISTANT SECRETARY, AND TWO OF HIS COLLEAGUES AT U.K. DEPARTMENT OF TRADE, TO MAKE POINTS SET FORTH IN REFS A AND B. SIMILAR CALL MADE JULY 26 ON GILLIAN BROWN, ASSISTANT UNDERSECRETARY, FOREIGN AND COMMONWEALTH OFFICE, WHOSE PORTFOLIO INCLUDES BOTH AVIATION AND TERRORISM.

2. U.K. VIEWS ON JUST HOW TO PROCEED ARE STILL IN
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PROCESS OF FORMULATION, BUT IT AGREES WHOLEHEARTEDLY WITH U.S. THAT AUGUST 1-2 MEETING SHOULD BE RELATIVELY HIGH-LEVEL. IN FACT, THOSE PRESENT JULY 25 CLAIMED THAT IT WAS U.K. THAT HAD AT LEAST PARTIALLY DISSUADED FRG FROM ITS ORIGINAL INTENTION THAT MEETING BE OF LEGAL EXPERTS (LIKE THOSE WHO SERVE ON ICAO LEGAL COMMITTEE). THEY SAID, HOWEVER, THAT FRG STILL

INTENDS TO TURN ITS DELEGATION OVER TO A LEGAL EXPERT (DR. SWANK - PHONETIC) AFTER INITIAL POLICY DISCUSSIONS. ON FOLLOWING DAY, BROWN COMMENTED THAT WHILE U.K. WOULD BE RELUCTANT TO CHALLENGE FRG ON MEETING'S ORGANIZATION, IT SHARES U.S. PREFERENCE TO HAVE MOST OF THE WORK DONE IN PLENARY.

3. U.K. DELEGATION IS TO BE HEADED BY JOHN R. STEELE, DEPUTY SECRETARY OF U.K. DOT. FOREIGN OFFICE WILL BE REPRESENTED BY BROWN. AMONG CIVIL AVIATION AND LEGAL EXPERTS ON THE DELEGATION WILL BE ARNOLD KEAN, SECRETARY AND LEGAL ADVISER OF THE CIVIL AVIATION AUTHORITY. HOME OFFICE HAS NO RESPONSIBILITIES FOR DEALING WITH TERRORISM OUTSIDE TERRITORIAL LIMITS OF THE U.K. AND, THOUGH KEPT INFORMED, IS NOT EXPECTED TO BE REPRESENTED.

4. THE BRITISH OFFICIALS THOUGHT PRESENCE OF AIRLINE REPRESENTATIVES AT THIS FIRST MEETING WOULD BE INOPPORTUNE AND MIGHT INHIBIT DISCUSSION. (IMPLEMENTATION OF THE DECLARATION WILL BE RAISED, HOWEVER, AT AN EARLY MEETING OF THE NATIONAL AVIATION SECURITY COMMITTEE, ON WHICH BOTH AIRLINES AND PILOTS ARE REPRESENTED.)

5. WHILE AS INDICATED ABOVE, BRITISH THINKING IS STILL CONFIDENTIAL

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IN FORMULATIVE STAGE, FOLLOWING ARE THOUGHTS AND QUESTIONS CURRENTLY IN THEIR MINDS:

- A. COORDINATION OF SUMMIT COUNTRIES' ACTIONS TO GAIN SUPPORT FOR THE DECLARATION IS ESSENTIAL.
- B. DECLARATION SHOULD NOT REPEAT NOT BECOME ANOTHER CONVENTION. (HOWEVER, BRITISH AGREE WE SHOULD

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CONTINUE TO PUSH FOR ACCESSION TO HAGUE AND
OTHER EXISTING CONVENTIONS.)

C. HOW WOULD SANCTIONS BE TRIGGERED? WOULD UNANIMITY
BE NECESSARY?

D. WOULD REFUSAL TO ADOPT THE DECLARATION BE TANTAMOUNT
TO REFUSING TO PROSECUTE OR EXTRADITE AND THUS
JUSTIFY SANCTIONS? (BROWN THOUGHT NOT.)

E. ON ONE HAND, BECAUSE OF ITS LEGAL SYSTEM, U.K.
WOULD HAVE DIFFICULTY PROMISING TO PROSECUTE
AND WOULD PREFER ONLY A PROMISE TO "PRESENT FOR
PROSECUTION". ON OTHER HAND, WHAT, IF ANYTHING,
SHOULD BE DONE ABOUT SUSPECT PROSECUTIONS OR
DERISORY SENTENCES?

F. HOW WOULD THE OBLIGATIONS OF THE DECLARATION
BE RECONCILED WITH THOSE OF AIR SERVICES AGREEMENTS
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WITH OFFENDING STATES?

G. IF AN AIRPLANE OF A STATE WHICH HAD NOT ASSOCIATED
ITSELF WITH THE DECLARATION WERE HIJACKED, SHOULD
THE SANCTIONS BE INVOKED? OR SHOULD THE PENALTY
FOR NON-ASSOCIATION BE REFUSAL OF SUPPORT? WHAT
IF NATIONALS OF ASSOCIATED STATES WERE ON BOARD?

H. SHOULD THERE BE AN AGREED POSITION ON REFUELING
DURING A HIJACK? (SUBJECT WAS REPORTEDLY RAISED
AT THE SUMMIT.)

I. SHOULD CERTAIN COUNTRIES, SUCH AS ISRAEL AND
SOUTH AFRICA, WHOSE ASSOCIATION MIGHT MAKE OTHERS
RELEUCTANT TO JOIN IN, BE APPROACHED PRIVATELY
WITH A REQUEST THAT THEY DELAY LONG ENOUGH TO

LET OTHERS BE AT THE HEAD OF THE QUEUE?

J. IS THERE A NEED FOR A PERMANENT SECRETARIAT? IF
SO, IT SHOULD BE PROVIDED BY ONE STATE, NOT IN
ROTATION. FRG MIGHT BE APPROPRIATE, PROVIDED
ITS INTERNAL COORDINATION ON THESE MATTERS IS
ADEQUATE.

K. ABOVE ALL, THE MOMENTUM PROVIDED BY THE SUMMIT
DECLARATION MUST NOT BE LOST.

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